



December 8, 2021

VIA ECF and Electronic Mail

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: Piotrowicz, Arkadiusz v. Techtronic Industries North America, Inc., et als.
United States District Court, Southern District of New York
C.A. No.: 1:19-cv-11522-KPF
Our File No.: 11775-0001

Dear Judge Failla:

Goldberg Segalla, LLP represents specially appearing defendant Ningbo Dalton Machinery Industrial Company Ltd. ("Dalton") in this action. This letter is submitted pursuant to Your Honor's Order requesting a status letter [Dkt. # 134] and the subsequent e-mail from Your Honor's law clerk, Mr. Patterson, requiring the parties submit a proposed Civil Case Management Plan and Scheduling Order by Friday, December 10, 2021.

Counsel for all parties met and conferred on December 7, 2021 and, pursuant to Your Honor's individual practices 2.A.D, Dalton respectfully requests a brief extension of time to file a Civil Case Management Plan. Plaintiff and co-defendants do not object to Dalton's request. Upon information and belief, this is the first extension request associated with the filing of the Civil Case Management Plan.

Grounds for Extension: Dalton specially appeared in this case recently. Dalton intends to promptly file (i.e., within 2-3 business days) a request for a pre-motion conference pursuant to section 4.A of Your Honor's Individual Rules, seeking permission to file a motion to dismiss for lack of personal jurisdiction. Assuming the application is granted, Dalton will be prepared to expeditiously file its motion to dismiss.

Given Dalton's position that the Court lacks personal jurisdiction over it, Dalton is respectfully unable to agree to deadlines to set a Civil Case Management Plan which would require it to participate in discovery during the pendency of its motion. During the parties December 7 meet and confer, Dalton explained to counsel for the other parties that Dalton is amenable to a conditional Civil Case Management Plan so long as any such plan provides that it is only applicable to Dalton to the extent that its forthcoming motion is denied.

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Based on the foregoing, Dalton requests, on consent, a brief extension of the December 10, 2021 deadline to file a Civil Case Management Plan until the Court has had an opportunity to hold a pre-motion conference following receipt of Dalton's pre-motion letter setting forth the grounds for its proposed motion to dismiss.

In anticipation of a pre-motion conference, counsel have also conferred on their availability and based on counsel's availability, we respectfully request that any such conference be on or before December 21, 2021, or on or after December 28, 2021. At such a conference, the parties can discuss a briefing schedule and, given these unique circumstances, the concerns regarding the crafting of a Civil Case Management Plan with the Court.

Respectfully submitted,

GOLDBERG SEGALLA LLP

Andrew Scholz

Andrew J. Scholz

cc: All parties of record (by ECF)
AJS:cbb

Application GRANTED.

The deadline for the parties to submit a revised Case Management Plan is adjourned *sine die*.

The Court reserves decision on whether a pre-motion conference is appropriate in this matter until after it has received both Dalton's pre-motion letter and Plaintiff's responsive letter.

The Clerk of Court is directed to terminate the motion at docket entry 135.

Dated: December 8, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE